

**From:** Stuchell, Nicholas R <Nicholas.R.Stuchell@wv.gov>  
**Sent:** Wednesday, March 18, 2020 9:32 AM  
**To:** David Pogue <drpogue@csdlawfirm.com>  
**Cc:** Robertson, April L <April.L.Robertson@wv.gov>  
**Subject:** RE: Huntington v. AmerisourceBergen, et. al. subpoena

David:

Please find this email as a request for an extension to respond to the subpoena previously sent by your office. The COVID-19 pandemic has delayed the ability to search for documents and to craft a response. Therefore, I seek an extension until the close of business next Friday, March 27, 2020.

Thanks in advance for your prompt attention to this matter. If you would like to discuss this further, please call me at (304) 356-4779.

Sincerely,

Nick Stuchell

**From:** David Pogue <[drpogue@csdlawfirm.com](mailto:drpogue@csdlawfirm.com)>  
**Sent:** Wednesday, March 11, 2020 10:38 AM  
**To:** Stuchell, Nicholas R <[Nicholas.R.Stuchell@wv.gov](mailto:Nicholas.R.Stuchell@wv.gov)>  
**Cc:** Robertson, April L <[April.L.Robertson@wv.gov](mailto:April.L.Robertson@wv.gov)>  
**Subject:** RE: Huntington v. AmerisourceBergen, et. al. subpoena

Nick,

Rather than withdrawing our subpoena, which is valid and seeks important information, we'd like you to focus on gathering and producing on a rolling basis the non-public responsive documents while we continue to review and analyze what's publicly available. If, as you represented during our phone call last week, many of the documents requested in the subpoena do not exist, then that should further narrow your efforts to only those requests for which there are existing, non-public documents.

Thanks,

David R. Pogue, WVSb No. 10806  
Carey, Scott, Douglas & Kessler, PLLC  
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**From:** Stuchell, Nicholas R [<mailto:Nicholas.R.Stuchell@wv.gov>]

**Sent:** Wednesday, March 4, 2020 12:51 PM

**To:** David Pogue

**Cc:** Robertson, April L

**Subject:** Huntington v. AmerisourceBergen, et. al. subpoena

Dave:

It was nice speaking with you today regarding the subpoena duces tecum your office submitted to the Governor's Council on Substance Abuse Prevention and Treatment (f/k/a Governor's Advisory Council on Substance Use Disorder and referred to herein as "Council"). I have enclosed Executive Order 22-18 which establishes the Governor's Council on Substance Abuse Prevention and Treatment.

As I mentioned on the telephone, information about the Council and its members as well as meeting minutes can be found at <https://dhhr.wv.gov/office-of-drug-control-policy/gov-council/Pages/default.aspx>. Additional information about substance use disorder in West Virginia, including Governor's Advisory Council on Substance Abuse summary and recommendation reports, regional task force recommendations, and meeting information, can be found at <http://wvsubstancefree.org/index.php>. Cabell County is part of the Region Five task force. The following link contains information about laws relating to substance use disorder in West Virginia: <https://www.thenationalcouncil.org/opioid-program/west-virginia/>. As you will see, these websites contain numerous documents which are requested in your subpoena. Unfortunately, at this time I am not able to go through each document on these websites and pinpoint to which of the 35 subject areas each one is responsive.

Your attention is also directed to the Office of Drug Control Policy's Data Dashboard. The Data Dashboard was recently launched and contains statistical data about suspected overdoses throughout West Virginia. <https://dhhr.wv.gov/office-of-drug-control-policy/datadashboard/Pages/default.aspx>. The Data Dashboard website has a link to information about the West Virginia Controlled Substance Monitoring Program 2014 to 2018. There, information about opioid prescriptions by county is accessible.

I request that you withdraw your subpoena and review the information on the above-mentioned websites. Please note that this response does not verify the validity of the subpoena or the service of the same.

Please contact me if you have any questions, comments, or concerns.

Sincerely,

Nick Stuchell

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